

Elizabeth M. Streit, Lead Trial Attorney  
Scott R. Williamson, Deputy Regional Counsel  
Rosemary Hollinger, Regional Counsel  
Commodity Futures Trading Commission  
525 West Monroe Street, Suite 1100  
Chicago, Illinois 60661  
312-596-0537  
ES-2235  
SW-9752  
RH-6870

Paul Blaine  
Assistant United States Attorney  
for the District of New Jersey  
Camden Federal Building & U.S. Courthouse  
401 Market Street, 4<sup>th</sup> Floor  
Camden, NJ 08101  
856-757-5412  
PB-5422

**In The United States District Court  
For The District Of New Jersey**

Commodity Futures Trading Commission,  
Plaintiff,

vs.

Equity Financial Group LLC,  
Tech Traders, Inc., Tech Traders, Ltd.,  
Magnum Investments, Ltd., Magnum  
Capital Investments, Ltd., Vincent J. Firth,  
Robert W. Shimer, Coyt E. Murray and J.  
Vernon Abernethy  
Defendants.

**Civil Action No: 04 CV 1512**

[Proposed] Order Granting  
Plaintiff's Motion to Strike  
Unauthorized Sur-Reply

Judge Robert B. Kugler

This matter came before the Court on Plaintiff Commodity Futures Trading

Commission's ("CFTC" or "Commission") Motion to Strike the unauthorized Sur-reply filed by Defendant Robert V. Shimer pursuant to letter to the Court dated June 23, 2006. This Sur-reply was not filed in proper format as a Sur-reply. It also was filed in violation of L.Civ.R.7.1(d)(6), which provides that "[n]o sur-replies are permitted without permission of the Judge or Magistrate Judge to whom the case is assigned." Shimer did not seek permission of this Court to file his Sur-reply. Therefore, the CFTC's Motion to Strike Shimer's Unauthorized Sur-Reply is GRANTED.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2006

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Hon. Robert B. Kugler  
United States District Court Judge